IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 17TH OCTOBER 2006 / 25TH ASWINA 1928

Bail Appl..No. 5593 of 2006()

CRIME NO.365/2006 OF KANNUR TOWN POLICE STATION.

PETITIONER/ACCUSED:

SREELATHA, AGED 35 YEARS,
D/O.N. PADMANABHAN NAIR (LATE),
NAMBRON HOUSE, ANNUR P.O., PUTHIYANKAVU ROAD,
PAYYANNUR (VIA), KANNUR.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 5593 of 2006

Dated this the 17th October, 2006.

O R D E R

Petitioner is the second accused in Crime No.365/2006 of Kannur Town Police Station, and the wife of the first accused. It is alleged that the first accused was running Mahatma College, Kannur, for imparting tuition to the students. On the guise of running of the college, the first accused had issued forged certificates to different persons, conferring them with fake degrees and diplomas, in the name of one Anna Technology University of Chattisgarh. On the complaint, an enquiry was conducted, and the same reveal that forged certificates and seals of various institutions including that of the High Schools were seized from the house of the accused during the search. An amount of Rs.44,28,846/= was also seen deposited in the name of the first accused. The prosecution alleges that it was the petitioner, second accused, who the collected money from persons, who approached them for getting certificates. Hence, the above crime had been registered by the Kannur Town Police, for the offence punishable under Sections 468, 471 and 472 IPC, read with Section 34 IPC.

2. Counsel appearing for the petitioner, second accused, now submits that the petitioner is having a child aged about two years, a brother who is imbecile by birth, and an aged mother. If she is arrested and detained, it would affect the survival of all these persons. Counsel further submits that the petitioner had collected the money from the persons without knowing its implications, as she was helping the first accused, her husband. However, the prosecution submits that it was the petitioner, second accused, who received the money, and she also issued valid receipts, to the concerned persons.

3. In the above facts situation, I am not inclined to grant a pre arrest order under Section 438 Cr.P.C. Nevertheless, the petitioner is free to surrender before the Investigating Officer, who is investigating Crime NO.365/2006 of Kannur Town Police Station, and, in which event, the Investigating officer shall proceed against her, as per the law.

J.M. JAMES,
JUDGE

nj.